

Karas, J.
JUDGE KARAS

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

LOWEY DANNENBERG COHEN,
PC, in its capacity as account holder of, and party
with interest in, the REZULIN SETTLEMENT
FUND,

Plaintiff,

- vs -

JAMES R. DUGAN, II, STEPHEN B.
MURRAY d/b/a THE MURRAY LAW FIRM,
RAWLINGS AND ASSOCIATES, PLLC,
GREG MURPHY, MORAIN & MURPHY, LLC,
WALLACE JORDAN RATLIFF & BRANDT,
LLC, ELWOOD S. SIMON & ASSOCIATES,
P.C., KERSHAW, CUTTER & RATINOFF,
LLP, BERMAN DEVALERIO PEASE
TABACCO BURT & PUCILLO, MARK
FISCHER, GEORGE RAWLINGS,

Defendants.

08 CIV. 0461

Case No.

HONORABLE

ECF CASE

**ORDER TO SHOW CAUSE FOR TEMPORARY RESTRAINING ORDER,
AND PRELIMINARY AND PERMANENT INJUNCTIVE RELIEF**

Upon Plaintiff's Complaint filed January 17, 2008, the Declaration of Richard W. Cohen dated January 17, 2008, and the Memorandum of Law In Support of Plaintiff's Order To Show Cause For a Temporary Restraining Order, and Preliminary and Permanent Injunctive Relief dated January 17, 2008, and for good cause shown, it is hereby:

ORDERED, that Defendants James R. Dugan II and Stephen B. Murray d/b/a the Murray

✓ Law Firm show cause before a motion term of this Court, at Room 521, United States
 ✓ Courthouse, 300 Quarropas Street, White Plains, NY 10601-4150, on January,
 ✓ 31, 2008, at 10:30, at ampm, or as soon thereafter as counsel may
 be heard, why an order should not be issued pursuant to Rule 65 of the Federal Rules of Civil
 Procedure enjoining these defendants during the pendency of this action from instituting,
 prosecuting, or continuing to prosecute any proceeding in any state or United States court other
 than this Court, including *Dugan, et al. v. Murphy, et al.*, 2007-06907 from Section 10-F of the
 Civil District Court for the Parish of Orleans, State of Louisiana (filed July 18, 2007), affecting
 the funds defined in the accompanying complaint as the "Rezulin Settlement Fund" until further
 order of this Court;

ORDERED that, sufficient reason having been shown therefor, pending the
 hearing of Plaintiff's application for a preliminary and permanent injunction, pursuant to Rule
 65, Fed. R. Civ. P., and 28 U.S.C. § 2361, the Defendants are temporarily restrained and enjoined
 from instituting, prosecuting, or continuing to prosecute any proceeding in any state or United
 States court other than this Court, including *Dugan, et al. v. Murphy, et al.*, 2007-06907 from
 Section 10-F of the Civil District Court for the Parish of Orleans, State of Louisiana (filed July
 18, 2007), affecting the Rezulin Settlement Fund until further order of this Court; and it is further

✓ **ORDERED** that security in the amount of \$ 500,000 be posted by the Plaintiff prior to
 ✓ January, 22, 2008; and it is further

ORDERED that service of a true copy of the Summon and Complaint, this Order to
 Show Cause, and the Plaintiffs Memorandum of Law in Support of Plaintiff's Motion for a
 Temporary Restraining Order and Preliminary and Permanent Injunction, via email, facsimile, or

overnight delivery upon Defendants on or before January 18, 2008 at 5:00 pm shall be deemed good and sufficient service.

ORDERED, that any responsive papers shall be served by ^{Each} Defendant upon counsel for Plaintiff on or before 5:00 pm on January 23, 2008; and any reply by Plaintiff be served upon Defendants on or before 5:00 pm on January 28, 2008.

NO PRIOR APPLICATION FOR SUCH RELIEF HAS BEEN SOUGHT.

SO ORDERED.

Dated: New York, New York
✓ January 17, 2008


UNITED STATES DISTRICT JUDGE